

**REMARKS**

The present amendment is submitted in response to the Office Action dated March 24, 2004, which set a three-month period for response, making this amendment due by June 24, 2004.

Claims 1-12 are pending in this application.

In the Office Action, claims 1-4 and 6-12 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,212,176 to Anderson et al. Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al in view of U.S. Patent No. 6,085,072 to Komiya.

In the present amendment, the claims have been amended to adopt standard U.S. claim format. However, with regard to the substantive rejections of the claims, the Applicants respectfully disagree that the cited references anticipated or make obvious the present invention as defined in claims 1-12.

The Anderson reference discloses a communications system, in which information is transmitted in successive time slots, whereby the time slots are arranged in a plurality of superordinate super frames, which, in turn, are arranged in a plurality of superordinate hyper-frames. A mobile station associated with one of the time slots in each of the superordinate super frames. Each hyperframe includes at least two super-frames. The information, which is transmitted in the associated time slot in one super frame of each hyper-frame, is repeated in the associated time slot of the other super frames of each hyper-frame. Each super frame can include a plurality of time slots for the transmission

of paging messages to mobile stations, which are arranged in a plurality of successive paging frames. The time slot, to which the mobile station is associated, is arranged once in each paging frame. Each super frame can include time slots, which include a logical channel for transmission of control information. In addition, each super frame can include time slots, which have a logical paging channel. The mobile stations can initiate information, which is transmitted into associated time slots, for reading the control information. The information can be coded according to an error correction code and includes a plurality of bits, whose polarity is inverse to cyclical redundancy check bits, which are formed by the coding process. The control information can include special information or notices, which are contained in corresponding time slots. The time slots form a logical, specialized information channel. The time slots of the specialized information channel can be arranged in successive SMS frames. The SMS frames can be synchronized in such a manner that they start with the beginning of a super frame.

The transmission of SMS short messages takes place with the use of the ASCII codes and is text-based. Also, with the subject matter of Anderson, if a special message can be transmitted in multiple SMS fields (see column 9, lines 9-11), then it still obviously fulfills the SMS standard and is obviously exclusively text-based. In other words, with the use of multiple SMS fields for a special message, also always only one single data format is available, namely, the text format.

In contrast to Anderson, as defined in the independent claims 1 and 12 of the present invention, at least two data fields are provided, in which data are stored in a short message and whereby in a first data field, the short message data of a first data format are stored and in a second data field, the short message data of a second data format that differs from the first data format are stored. Anderson provides no disclosure or suggestion that SMS frames or fields are used for the transmission of information, so that obviously, information is transmitted only in a single data format, namely, the text format, which is required for SMS. Any disclosure or suggestion for using different data formats, such as, for example, audio and video format, in one and the same piece of information is not provided by the primary reference to Anderson.

Therefore, Anderson cannot be viewed as anticipatory of the present invention as defined in claims 1 and 12. Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). Indeed, a prior art reference anticipates a claim under Section 102 only if the reference discloses, either expressly or inherently, every limitation of the claim. Absence from the reference of any claimed element negates anticipation. *Row v. Dror*, 42 USPQ 2d 1550, 1553 (Fed. Cir. 1997) (quoting *Kloster Speedsteel AB v. Crucible, Inc.*, 230 USPQ 81, 84 (Fed. Cir. 1986)).

For the reasons set forth above, the Applicants respectfully submit that claims 1-12 are patentable over the cited reference. The Applicants further

request withdrawal of the rejections under 35 U.S.C. 102 and 103 and reconsideration of the claims as herein amended.

The Applicant has noticed that the Information Disclosure Statement filed simultaneously has not been considered by the examiner. Consideration of the Information Disclosure Statement filed on June 11, 2001 is respectfully requested.

In light of the foregoing arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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